

PATENT



Docket No. Barrese 1-1-1-2

2643
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael A. Barrese, Brad L. Grande,
Vernon Glen Koll, and Eugene Joseph Yurek
APPLICATION NO. 09/992,625
FILED: November 6, 2001
CASE NO. Barrese 1-1-1-2

Examiner: A. Jamal
Group Art Unit: 2643

TITLE: TELEPHONE LINE POWER SUPPLY

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any paper indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 27, 2005.

January 27, 2005
Date

Lynn M. White
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MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111
TO EXAMINER'S ACTION MAILED SEPTEMBER 27, 2004

Sir:

This is in response to the Office Action mailed September 27, 2004, having a period for response set to expire on December 27, 2004. A Petition for a one-month Extension of Time is submitted herewith, thereby extending the date for response to January 27, 2005, along with a Credit Card Payment Form authorizing the payment of the extension fee. The following remarks are respectfully submitted.

Remarks begin on page 2 of this paper.

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 22 are pending in the application, claims 14-17 are withdrawn, and claims 1-13 and 18-22 are rejected.

Affirmation of Election of Group I Claims

Applicant hereby affirms the election of the Group I claims (claims 1-13 and 18-22) and withdraw from examination claims 14-17, as indicated to the Examiner by Mark Kurisko in a telephone conference on September 7, 2004. Applicant reserves the right to pursue the Group II claims (claims 14-17) in a divisional application.

Claim Rejections, 35 U.S.C. §103

At item 6 on page 3 of the Office Action, the Examiner rejected claims 1 and 5-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,212,226 to Newton in view of U.S. Patent No. 4,008,427 to Johnson, and at item 7 on page 5 of the Office Action, the Examiner rejected claims 2-4 and 18-22 under 35 U.S.C. §103(a) as being unpatentable over Newton and Johnson and further in view of U.S. Patent No. 6,624,635 to Lui.

Newton is Not Prior Art for the Purposes of 35 U.S.C. §103

At the time the present invention was made, Newton was assigned to Lucent Technologies, Inc. Although the present invention is currently assigned to Agere Systems Guardian Corp., at the time the invention was made, it was owned by Lucent Technologies, Inc. Applicant submits

herewith a Declaration by Mark D. Simpson, an attorney of record in the present application, which attests to the ownership of the present invention by Lucent at the time the invention was made. Accordingly, Newton is not prior art for the purposes of a rejection under 35 U.S.C. §103, pursuant to 35 U.S.C. §103(c). Thus, it is submitted that the rejection of the claims under 35 U.S.C. §103 cannot stand. Accordingly, the Examiner is requested to reconsider and withdraw the rejection of claims 1-13 and 18-22 under 35 U.S.C. §103.


Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Enclosed herewith, in duplicate, is a Petition for extension of time to respond to the Examiner's Action, along with a Credit Card Payment Form authorizing the payment of the extension fee. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

JANUARY 27, 2005
Date


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